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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2248 of 1991

with

SPECIAL CIVIL APPLICATION No 1485 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

VITTALBHAI N.VALANT SINCE DECEASED THROUGH HEIRS & L.R.

Versus

COLLECTOR

Appearance:

1. Special Civil Application No. 2248 of 1991
MR MUKESH R SHAH for Petitioners
Mr. S.T.Mehta, ASSTT. GOVERNMENT PLEADER for the Respondents.
 2. Special Civil ApplicationNo 1485 of 1996
MR MUKESH R SHAH for Petitioners
Mr. S.T.Mehta, ASSTT. GOVERNMENT PLEADER for the Respondents.
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CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 31/08/98

ORAL JUDGEMENT

These two writ petitions relate to permission under Section 43 of the Bombay Tenancy and Agricultural Lands Act 1948. By the order dated 6.3.91 passed by the respondent no. 1, the petitioners were directed to pay premium of Rs. 11,80,900/- in respect of survey no. 597 final plot no. 190 TP scheme no.19 of Vadodara, admeasuring 4282 sq. mtrs. situated at Manjalpur, Dist:Vadodara.

2. Special Civil Application no. 2248 of 1991 has been filed for quashing the order dated 6.3.91 passed by the respondent no. 1 Collector, Baroda whereby the petitioners were directed to pay an amount of Rs. 11,80,900/- towards premium. While in Special Civil Application no.1485 of 1996, the petitioners have sought a direction against the respondents, their servants, agents from obstructing development of the land stated above.

3. By the interim order dated 3.5.1991 passed in Special Civil Application no.2248 of 1991, interim relief in terms of para-8 of the petition was granted subject to the condition that the petitioner has to deposit 50% of the amount as ordered by the respondent no. 1 Collector, Vadodara.

4. The learned counsel for the petitioners submits that the petitioners made an attempt to deposit half of the amount as ordered by this Court, but the Collector, Baroda did not accept the same. By the said order, then petitioners were directed to deposit an amount of Rs. 5,41,000/- towards half of the amount. The petitioners were allowed to deposit half of the amount by this Court in Civil Application no.3174 of 1996 and that amount has already been deposited in this Court on 16th April,1996.

5. The learned counsel for the petitioners makes a statement that he does not want to press these two petitions and he is ready to deposit the entire amount as required by the order dated 6.3.91 passed by the respondent no. 1 Collector.

6. Accordingly, the petitions are disposed of as withdrawn. The petitioners are permitted to

deposit the entire amount of premium of Rs. 11,80,900/pursuant to the order dated 6.3.91 passed by the Collector, Vadodara. The amount of Rs. 5,41,000/deposited by the petitioners in this Court is ordered to be refunded with interest if any to the petitioner's learned advocate within two weeks from today. The Collector, Vadodara is directed to accept the amount of Rs. 11,80,900/- towards premium from the petitioners and grant permission under section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 within two months from the date of deposit of the premium amount. Rule is made absolute accordingly in each petition with no order as to costs.

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